



CANNON BUILDING  
861 SILVER LAKE BLVD., SUITE 203  
DOVER, DELAWARE 19904-2467

**STATE OF DELAWARE**  
**OFFICE OF CONTROLLED SUBSTANCES**

TELEPHONE: (302) 744-4500  
FAX: (302) 739-2711  
WEBSITE: [DPR.DELAWARE.GOV](http://DPR.DELAWARE.GOV)  
EMAIL: [customerservice.dpr@state.de.us](mailto:customerservice.dpr@state.de.us)

<b>PUBLIC MEETING NOTICE:</b>	<b>CONTROLLED SUBSTANCE COMMITTEE</b>
<b>DATE AND TIME:</b>	<b>Wednesday March 22, 2017 at 9:00 a.m.</b>
<b>PLACE:</b>	<b>Buena Vista Conference Center, Buck Library, First Floor, 661 S. DuPont Highway, New Castle, Delaware 19720</b>
<b>APPROVED:</b>	<b>May 24, 2017</b>

**MEMBERS PRESENT**

Michael Kremer, DMD, Dental Representative, President  
Jo Ann M. Baker, DNP, RN, FNP-C, Nursing Representative  
Philip Kim, M.D., Medical Representative  
Herb E. Von Goerres, R.Ph., Pharmacy Representative  
Alex Zarow, R.Ph., Pharmacy Representative  
Stephen Ruggles, PA-C, PA Representative  
Mark Hanna, Public Representative

**MEMBERS ABSENT**

Art Jankowski, VMD, Veterinary Representative

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL**

David Mangler, Director, Division of Professional Regulation  
Eileen Kelly, Deputy Attorney General  
Christine Mast, Administrative Specialist III

**ALSO PRESENT**

Tejal Patel

**CALL TO ORDER**

Dr. Kremer called the meeting to order at 9:03 am.

**REVIEW AND APPROVAL OF MINUTES**

A motion was made by Mr. Von Goerres, seconded by Mr. Zarow, to approve the minutes for January 25, 2017. The motion unanimously carried.

**PRESIDENT'S REPORT**

No Report

**UNFINISHED BUSINESS**

Ms. Kelly stated the publication of rule revisions to regulations 9.6, 9.7, 10.3.1, 10.3.1.2, was published April 1, 2017 and will be effective April 11, 2017.

**NEW BUSINESS**

**DIRECTOR'S REPORT**

Mr. Mangler reported that the open Directors position posting has been distributed to the National Boards of Pharmacy which will provide a link on their website so that interested candidates can contact

the Division. We have received a few letters of interest for the position currently. Mr. Mangler also stated that the current state hiring freeze does have an effect on the position. Mr. Mangler has expressed concern about that with the Secretary's office. Dr. Kremer asked if there will be an appointment of an acting Director until an official replacement is acquired. Mr. Mangler stated that there had been currently no request for an interim Director submitted and that approval for that request would be unlikely with the current hiring freeze in place. Dr. Kremer expressed concern regarding this position being vacant for an extended period of time.

#### **Case/Diversion Review**

None

#### **Current Events**

#### **PMP Review**

Mr. Mangler reported that legislation is being prepared from the attorney general's office that they are seeking sponsors for legislation creating a PMP Advisory Committee (PDAC) that will be comprised of a physician, dentist and other key stakeholders. This committee will be responsible to receive de-identified reports on an individual level related to high risk prescribing indicators. The committee will identify individual practitioners who may need to be contacted for an explanation if it's not clear.

The division has had 2 meetings with representatives from Apriss that have come to demonstrate the Apriss PMP functionality as well as other add-on services that are available. These other services provide a wide range of functionality that the state has been seeking. The conversion to Apriss is estimated to be sometime in August 2017. Currently there are 44 states in the interconnect. The division is continuing to work towards joining the interconnect.

#### **Review of Proposed Legislative/Regulatory Changes**

None

#### **COMMITTEE REPORTS**

##### **Medical Examiner's Report**

No Report

##### **DEA Report**

No report

##### **Substance Abuse Report**

No Report

##### **Law Enforcement Report**

No Report

##### **Regulatory Committee Report**

No Report

##### **Legislative Committee Report**

Dr. Kremer asked if an appointment to a committee within the controlled substance advisory committee must be a member of the controlled substance advisory committee or can the committee appoint a non-committee member? Dr. Kremer has received interest from Tejal Patel to be involved with the legislative committee. Ms. Kelly stated that there is no statutory or regulation preventing it. Dr. Kremer appointed Tejal Patel to the Legislative Committee and the Regulatory Committee.

#### **INSPECTION REPORT**

No Report

#### **Post Renewal Continuing Education Percentage of Random Audit**

Ms. Mast stated that effective with the 2017 renewal 2 continuing education credits are required in the areas of controlled substance prescribing practices, treatment of chronic pain, or other topics related to prescribing controlled substances. Per 3.1.3 of the Rules and Regulations. If you complete at least two

hours of CE in these specific areas in connection with renewing your practitioner license, you may use the same CE to satisfy the two-hour requirement for renewing your controlled substance registration. Ms. Mast stated that a post renewal audit would now be required to be completed by the division. The committee discussed the percentage of audits to be performed. A motion was made by Dr. Kremer and seconded by Ms. Baker to pull 1% of the registrants randomly for audit and 100% of all late renewals. The motion carried.

The committee requested that the audit be reviewed by the division for approval. Any registrants that are not in compliance would be required to be reviewed by the committee. The audit notifications will be generated after the June 30<sup>th</sup> expiration date.

#### **COMMITTEE CORRESPONDENCE**

None

#### **OTHER BUSINESS BEFORE THE BOARD**

#### **PUBLIC COMMENT**

Dr. Kim suggested that the PDAC committee include a member of the controlled substance advisory committee to attend their meetings.

#### **NEXT SCHEDULED MEETING**

The next regular meeting will be held on May 24, 2017 at 9:00 am at the Buena Vista Conference Center, Buck Library.

#### **ADJOURNMENT**

A motion was made by Mr. Hanna, seconded by Dr. Kremer, to adjourn the meeting at 9:33 am. The motion carried.

Respectfully submitted,



Christine Mast  
Administrative Specialist III  
Office of Controlled Substances